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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,152	01/04/2001	Andreas Schwager	50N3367/1175	3179
7590	07/28/2004		EXAMINER [REDACTED]	BARNES, CRYSTAL J
Gregory J. Koerner SIMON & KOERNER LLP 10052 Pasadena Avenue, Suite B Cupertino, CA 95014			ART UNIT 2121	PAPER NUMBER S
DATE MAILED: 07/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/754,152	SCHWAGER, ANDREAS
Examiner	Art Unit	
Crystal J. Barnes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 January 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 January 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-25 are pending in this application.

Priority

2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon applications filed in Europe on 6 July 1998 and 1 July 1999. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said applications, since the United States application was filed more than twelve months thereafter.

3. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e) based upon a provisional application filed on 6 July 1998. A claim for domestic priority under 35 U.S.C. 119(e) cannot be based on said provisional application, since the non-provisional application was filed more than twelve months thereafter.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 12 June 2001 is being considered by the examiner.

Drawings

5. The drawings are objected to because Node C3 has a total receive capacity of 10 Mbit/s (see page 10 lines 1-2) and 25 Mbit/s (see figure 1). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR

1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: step A8 (see page 15 lines 5-22) in figure 3 and step G7 (see page 31 lines 1-19) in figure 9 are not mentioned in the specification. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: resource manager 4 on page 15 line 30 is not shown in figure 4 and step C30 on page 22 line 11 is not shown in figure 5(c). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 5, 7, 9 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 5 recites the limitation "the control device (9, 10)" in lines 1 and 2. The limitation should read "the second control device (9, 10)" to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claims 7 and 9 recite the limitation "the control device" in line 1. It is unclear which control device (first, second, further, all) is referred to by the limitation.

12. Claim 20 recites the limitation "said electronic device" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,252,886 B1 to Schwager et al.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, the Schwager et al. reference discloses a method to control a controllable device (8) with a control device (6, 9, 10) in a network comprising several control devices (6, 9, 10), comprising the steps of: reserving the controllable device (8) (see column 13 lines 57-61, "tuner 8") with a first control device (6) ("first controller 6") as a primary controller (see column 14 lines 1-3, "primary controller"); and preventing a second control device (9, 10) (see column 14 lines 27-30, "second controller 9") or a further control device (see column 17 lines 42-44, "third controller 10") from overruling primary control ("primary controller") of the first control device ("first controller 6") with secondary control commands (see column 14 lines 33-35, "service 2").

As per claim 2, the Schwager et al. reference discloses the second control device (9, 10) (see column 16 lines 19-22, "second controller 9") can reserve the controllable device (8) ("tuner 8") after the reservation of the first control device (6) (see column 16 lines 10-12, "first controller 6") as a secondary controller ("second controller 9") so that a further control device (see column 17 lines 44-48, "third controller 10") can not overrule secondary control of the second control device (9, 10) ("second controller 9") with further control commands (see column 17 lines 42-44, "reserve command").

As per claim 3, the Schwager et al. reference discloses the controllable device (8) (see column 14 lines 28-31, "tuner 8") sends a rejection ("reject message") to the second control device (9, 10) ("second controller 9") working as the secondary controller ("second controller 9") trying to overrule the first control device (6) ("first controller 6") working as the primary controller ("primary controller") or to the further control device (see column 17 lines 44-48, "third controller 10") trying to overrule the first control device (6) ("first controller 6") working as the primary controller ("primary controller"), or the second control device (9, 10) (secondary controller 9) working as the secondary controller (secondary controller), and said rejection ("reject message, warning") including a list of all primary and/or secondary controllers (see column 14 lines 37-42, column 15 lines 7-10, column 16 lines 30-37, column 17 lines 35-40, "user feedback").

As per claim 4, the Schwager et al. reference discloses the controllable device (8) (see column 13 lines 52-56, "target device") sends the rejection ("rejection") directly to the control device (6, 9, 10) ("controller other than the reserved controller") that is rejected ("rejected").

As per claim 5, the Schwager et al. reference discloses the control device (9, 10) (see column 13 lines 52-56, "controller other than the reserved controller") shows a message ("user feedback") after the control device (9, 10) ("controller other than the reserved controller") has received the rejection ("rejection").

As per claim 6, the Schwager et al. reference discloses the second control device (9, 10) (see column 14 lines 54-56, "second controller 9") working as the secondary controller, or the further control device (see column 17 lines 49-53, "third controller 10") is able to pre-empt the primary (see column 14 lines 54-56, "pre-empt the first controller 6" and column 17 lines 58-62, "first controller 6") and/or the secondary controllers (see column 17 lines 53-57, "second controller 9") at the controllable device (see column 14 line 60 and column 17 lines 53-62, "tuner 8") to become the primary controller (see column 17 lines 13-15 and 62-65, "primary controller") for the controllable device (8) ("tuner 8").

As per claim 7, the Schwager et al. reference discloses the control device (see column 15 lines 11-12, "second controller 9" and column 17 lines 49-53, "third controller 10") can only pre-empt ("pre-empt") the first control device (6) ("first controller 6") and/or the second control device (9, 10) ("second controller

9") of a certain controllable device (8) ("tuner 8") after a user action ("user instruction").

As per claim 8, the Schwager et al. reference discloses a pre-empted first control device (6) (see column 17 lines 58-62, "first controller 6") and/or second control device (9) (see column 17 lines 53-57, "second controller 9") receives a message ("message") regarding which second control device (9, 10) (see column 15 lines 16-21, "second controller 9") or further control device ("third controller 10") has pre-empted said first control device (6) ("first controller 6") and/or second control device (9) ("second controller 9").

As per claim 9, the Schwager et al. reference discloses the control device can only pre-empt (see column 15 lines 43-45, "automatic pre-emption") the first control device (6) ("first controller 6") and/or the second control device (9, 10) ("second controller 9") of the certain controllable device (8) ("tuner 8") for a predetermined number of times in a particular time period (see column 15 lines 43-45, "predetermined number of times within a certain time period").

As per claim 10, the Schwager et al. reference discloses the control device (6, 9, 10) (see column 14 lines 7-11, "every controller") sends control

commands ("control commands") directly to the controllable device (8) ("target device") that is to be controlled.

As per claim 11, the Schwager et al. reference discloses the control device (6, 9, 10) (see column 13 lines 28-33, "a first control device") can reserve the controllable device (8) ("reserve the controllable device") or pre-empt another control device (6, 9) (see column 13 lines 38-43, "pre-empted by another control device") via a resource manager (7) (see column 13 lines 44-49, "resource manager 7") included in the network ("network").

As per claim 12, the Schwager et al. reference discloses said network (see column 13 lines 38-43, "network") is a home network (see column 13 lines 50-51, "home network-based bus system").

As per claim 13, the Schwager et al. reference discloses said network (see column 13 lines 38-43, "network") is a 1394-based network (see column 13 lines 50-51, "1394 home network-based bus system").

As per claim 14, the Schwager et al. reference discloses said controllable device (8) ("target devices") is a consumer electronic device (see column 18 lines 11-14, "consumer electronic devices").

As per claim 15, the Schwager et al. reference discloses a system for managing device control an electronic network, comprising: an electronic device (see column 13 lines 57-61, "tuner 8") coupled to said electronic network (see column 13 lines 50-51, "1394 home network-based bus system") for performing specified functions (see column 14 lines 33-35, "service 1"); a first controller (see column 14 lines 1-3, "first controller 6") coupled to said electronic network ("1394 home network-based bus system") for establishing a primary control ("primary controller") over said electronic device ("tuner 8"); a second controller (see column 14 lines 54-56, "second controller 9") coupled to said electronic network ("1394 home network-based bus system") for seeking said primary control ("primary controller") over said electronic device ("tuner 8"); and a resource manager (see column 13 lines 44-49, "resource manager 7") configured to arbitrate between said first controller ("first controller 6") and said second controller (second controller 9") for controlling access to said primary control ("primary controller") over said electronic device ("tuner 8").

As per claim 16, the Schwager et al. reference discloses said resource manager (see column 16 lines 30-35, "resource manager 7") grants said second

controller ("second controller 9") a secondary control (secondary controller) over said electronic device ("tuner 8").

As per claim 17, the Schwager et al. reference discloses said first controller and said second controller (see column 14 lines 7-11, "every controller") communicate directly ("control commands") with said electronic device ("target device") during said primary control ("control commands") and said secondary control ("control commands").

As per claim 18, the Schwager et al. reference discloses said second controller (see column 15 lines 13-15, "second controller 9") utilizes said resource manager ("resource manager 7") to pre-empt ("pre-empt command") said first controller (see column 15 lines 16-18, "first controller 6") and thereby gains said primary control (see column 15 lines 21-24, "primary controller") over said electronic device ("tuner 8").

As per claim 19, the Schwager et al. reference discloses said network (see column 13 lines 50-51, "1394 home network-based bus system") functions in accordance with a home audio-video interoperability specification (see column 4 lines 19-23, "Home Audio/Video Interoperability (HAVi) core specification").

As per claim 20, the Schwager et al. reference discloses a system for managing resources in an electronic network, comprising: a network resource (see column 13 lines 57-61, "tuner 8") coupled to said electronic network (see column 13 lines 50-51, "1394 home network-based bus system") for performing specified functions (see column 14 lines 33-35, "service 1"); a first client (see column 14 lines 1-3, "first controller 6") coupled to said electronic network ("1394 home network-based bus system") for requesting a primary control ("primary controller") over said electronic device ("tuner 8"); and a resource manager (see column 13 lines 44-49, "resource manager 7") configured to reserving said primary control ("primary controller") over said network resource ("tuner 8") for said first client ("first controller 6").

As per claim 21, the Schwager et al. reference discloses a second client (see column 14 lines 54-56, "second controller 9") coupled to said electronic network ("1394 home network-based bus system") seeks said primary control ("primary controller") over said network resource ("tuner 8"), and wherein said resource manager (see column 13 lines 44-49, "resource manager 7") negotiates between said first client ("first controller 6") and said second client ("second

controller 9") to obtain said primary control ("primary controller") over said network resource ("tuner 8").

As per claim 22, the Schwager et al. reference discloses said resource manager (see column 15 lines 3-7, "resource manager 7") initially attempts a non-intrusive reservation (see column 15 lines 1-3, "tries to reserve") of said primary control ("primary controller") of said network resource ("tuner 8").

As per claim 23, the Schwager et al. reference discloses said second client (see column 15 lines 13-15, "second controller 9") makes a pre-emption attempt ("pre-empt command") to gain said primary control (see column 15 lines 21-24, "primary controller") when said non-intrusive reservation (see column 15 lines 3-10, "warning message ... already reserved") is unsuccessful.

As per claim 24, the Schwager et al. reference discloses a pre-emption attempt result (see column 15 lines 55-57, "pre-empt every time or not") for said pre-emption attempt is determined based on a respective resource role categorization ("fire alarm vs. non-time-dependent application") for said first client ("controller") and said second client ("controller").

As per claim 25, the Schwager et al. reference discloses said network resource (see column 16 lines 2-4, "target device") is shared ("shareable") with a

primary access (see column 16 lines 10-12, "first controller 6") for full control ("primary controller") of said network resource ("tuner 8"), and a secondary access (see column 16 lines 38-41, "secondary controller 9") for limited control ("secondary controller, limited control functions") of said network resource ("target device").

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to resource sharing and arbitration in general:

USPN 6,704,819 B1 to Chrysanthakopoulos

USPN 6,237,049 B1 to Ludtke

USPN 6,199,133 B1 to Schnell

USPN 4,380,798 to Shannon et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is

703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb
14 June 2004

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 7/23/04
for Anthony Knight